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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

DA 95-402

In the Matter of)	
)	
Revision of Part 22 of the Commission's Rules)	CC Docket No. 92-115
Governing the Public Mobile Services)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 94-46
Rules to Delete Section 22.119 and Permit the)	RM 8367
Concurrent Use of Transmitters in Common)	
Carrier and Non-Common Carrier Services)	
)	
Amendment of Part 22 of the Commission's)	
Rules Pertaining to Power Limits for Paging)	CC Docket No. 93-116
Stations Operating in the 931 MHz Band in the)	
Public Land Mobile Service)	
)	

ORDER**Adopted:** March 2, 1995**Released:** March 2, 1995

By the Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau:

1. The Mobile and Personal Communications Division of the Telecommunications Industry Association (TIA) has requested an extension of time from February 2, 1995, to March 2, 1995, to file a further Reply in the above-captioned docket. C-Two-Plus Technology, Inc. (C-Two-Plus) has filed comments on TIA's motion in which it requests that if TIA receives additional time to file a further Reply, other interested parties be given an opportunity to respond to that Reply.

2. The Commission's Report and Order in this proceeding adopted new Section 22.919 of the Rules to help reduce the fraudulent use of cellular radio equipment caused by tampering with the unique Electronic Serial Numbers (ESNs) that are used to identify customers' cellular equipment. On December 19, 1994, TIA filed a petition for reconsideration opposing the Report and Order insofar as it prohibited manufacturers' authorized service centers or representatives from transferring ESNs in connection with the normal repair and upgrade of cellular mobile equipment. TIA also requested the Commission to require cellular mobile equipment receiving type-acceptance approval after September 1995 to conform with industry authentication standards. On January 20, 1995, the Cellular Telecommunications Industry Association (CTIA) opposed TIA's request that repair centers be allowed to undertake ESN transfers. Subsequently, representatives of CTIA and TIA discussed their differences and determined that they could be resolved by adopting certain changes to Section 22.919 of the Rules that would strike a balance between their desire to prevent cellular fraud, yet meet the industry's concurrent need to undertake reasonable repair activities in controlled circumstances. On February 2, 1995, CTIA and TIA filed a "Joint Reply and Comments" (Joint Reply) in which they recommended adopting such rule changes. In addition, TIA and CTIA announced plans to hold further meetings in order to discuss additional steps,

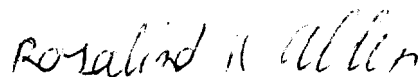
including proposing further modifications to the Commission's Rules, that might be undertaken jointly by them to prevent cellular fraud. Nevertheless, TIA asserts, given the highly technical nature of the discussions between TIA and CTIA on these issues, it has been impossible to complete their discussions prior to the due date for responses to the opposition to TIA's petition for reconsideration. In light of the foregoing, TIA filed a motion on February 2, 1995, in which it requested another month to finish its discussions with CTIA and present relevant matters to the Commission which are responsive to the Oppositions to TIA's Petition for Reconsideration and were not fully dealt with in the Joint Reply. CTIA has not objected to TIA's request.

3. C-Two-Plus filed comments on TIA's motion for extension of time. C-Two-Plus asserts that TIA and CTIA proposed certain significant rule changes for the first time in their Joint Reply, thereby depriving other interested parties of the opportunity to comment on them. In this light, C-Two-Plus requests that if the Commission grants TIA's motion for an extension of time to file a responsive pleading, that all interested parties be afforded an opportunity to review and comment on all of the proposed changes suggested by TIA and CTIA.

4. We find that good cause has been shown for granting TIA's motion for an extension of time. Based on discussions to date between TIA and CTIA, it appears likely that providing some additional time will supplement the record of this proceeding in a productive way without causing significant delay. Further, we grant all parties to this proceeding, except for TIA and CTIA, an additional thirty days from March 2, 1995, to file comments on the proposals set forth in TIA's responsive pleading as well as those set forth in the Joint Reply filed on February 2, 1995, by TIA and CTIA. We believe that granting additional time for further discussion of and comment on the technical issues associated with the prevention of cellular fraud will enhance the Commission's consideration of these issues by presenting a more complete record. Comments on the foregoing proposals must be limited to matters raised by the responsive pleading due March 2, 1995 and those raised in the Joint Reply and Comment filed on February 2, 1995, by TIA and CTIA.

5. Accordingly, the motion for extension of time IS GRANTED and comments on the responsive pleading to be filed by The Mobile and Personal Communications Division of the Telecommunications Industry Association ARE DUE by April 3, 1995.

FEDERAL COMMUNICATIONS COMMISSION



Rosalind K. Allen
Acting Chief, Commercial Radio Division
Wireless Telecommunications Bureau